

106TH CONGRESS
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H. R. 3244

To combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 8, 1999

Mr. SMITH of New Jersey (for himself, Mr. GEJDENSON, Ms. KAPTUR, Ms. SLAUGHTER, Mr. LANTOS, Ms. MCKINNEY, Mr. KING, Mr. WOLF, and Mr. COOKSEY) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committees on the Judiciary, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Trafficking Victims Protection Act of 1999”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Purposes and findings.
- Sec. 3. Definitions.
- Sec. 4. Annual Country Reports on Human Rights Practices.
- Sec. 5. Interagency task force to monitor and combat trafficking.
- Sec. 6. Prevention of trafficking.
- Sec. 7. Protection and assistance for victims of trafficking.
- Sec. 8. Minimum standards for the elimination of trafficking.
- Sec. 9. Assistance to foreign countries to meet minimum standards.
- Sec. 10. Actions against governments failing to meet minimum standards.
- Sec. 11. Actions against significant traffickers.
- Sec. 12. Strengthening protection and punishment of traffickers.
- Sec. 13. Authorization of Appropriations.

6 **SEC. 2. PURPOSES AND FINDINGS.**

7 (a) PURPOSES.—The purposes of this Act are to com-
8 bat trafficking in persons, a contemporary manifestation
9 of slavery whose victims are predominantly women and
10 children, to ensure just and effective punishment of traf-
11 fickers, and to protect their victims.

12 (b) FINDINGS.—The Congress finds that:

13 (1) Millions of people every year, primarily
14 women or children, are trafficked within or across
15 international borders. Approximately 50,000 women
16 and children are trafficked into the United States
17 each year.

18 (2) Many of these persons, of whom the over-
19 whelming majority are women and children, are traf-

1 ficked into the international sex trade, often by
2 means of force, fraud, or coercion. The sex industry
3 has rapidly expanded over the past several decades.
4 It involves sexual exploitation of persons, predomi-
5 nantly women and girls, within activities related to
6 prostitution, pornography, sex tourism, and other
7 commercial sexual services. The rapid expansion of
8 the sex industry and the low status of women in
9 many parts of the world have contributed to a bur-
10 geoning of the trafficking industry, of which sex
11 trafficking by force, fraud, and coercion is a major
12 component.

13 (3) Trafficking in persons is not limited to sex
14 trafficking, but often involves forced labor and other
15 violations of internationally recognized human
16 rights. The worldwide trafficking of persons is a
17 growing transnational crime, migration, economics,
18 labor, public health, and human rights problem that
19 is significant on nearly every continent.

20 (4) Traffickers primarily target women and
21 girls, who are disproportionately affected by poverty,
22 lack of access to education, chronic unemployment,
23 discrimination, and lack of viable economic opportu-
24 nities in countries of origin. Traffickers lure women
25 and girls into their networks through false promises

1 of good working conditions at relatively high pay as
2 nannies, maids, dancers, factory workers, restaurant
3 workers, sales clerks, or models. Traffickers also buy
4 girls from poor families and sell them into prostitu-
5 tion or into various types of forced or bonded labor.

6 (5) Traffickers often facilitate victims' move-
7 ment from their home communities to unfamiliar
8 destinations, away from family and friends, religious
9 institutions, and other sources of protection and sup-
10 port, making the victims more vulnerable.

11 (6) Victims are often forced to engage in sex
12 acts or to perform labor or other services through
13 physical violence, including rape and other forms of
14 sexual abuse, torture, starvation, and imprisonment,
15 through threats of violence, and through other forms
16 of psychological abuse and coercion.

17 (7) Trafficking is perpetrated increasingly by
18 organized and sophisticated criminal enterprises.
19 Trafficking in persons is the fastest growing source
20 of profits for organized criminal enterprises world-
21 wide. Profits from the trafficking industry con-
22 tribute to the expansion of organized criminal activ-
23 ity in the United States and around the world. Traf-
24 ficking often is aided by official corruption in coun-

1 tries of origin, transit, and destination, thereby
2 threatening the rule of law.

3 (8) Traffickers often make representations to
4 their victims that physical harm may occur to them
5 or to others should the victim escape or attempt to
6 escape. Such representations can have the same co-
7 ercive effects on victims as specific threats to inflict
8 such harm.

9 (9) Sex trafficking, when it involves the invol-
10 untary participation of another person in sex acts by
11 means of fraud, force, or coercion, includes all the
12 elements of the crime of forcible rape, which is de-
13 fined by all legal systems as among the most serious
14 of all crimes.

15 (10) Sex trafficking also involves frequent and
16 serious violations of other laws, including labor and
17 immigration codes and laws against kidnapping,
18 slavery, false imprisonment, assault, battery, pan-
19 dering, fraud, and extortion.

20 (11) Women and children trafficked into the
21 sex industry are exposed to deadly diseases, includ-
22 ing HIV and AIDS. Trafficking victims are some-
23 times worked or physically brutalized to death.

24 (12) Trafficking in persons substantially affects
25 interstate and foreign commerce. The United States

1 must take action to eradicate the substantial bur-
2 dens on commerce that result from trafficking in
3 persons and to prevent the channels of commerce
4 from being used for immoral and injurious purposes.

5 (13) Trafficking of persons in all its forms is
6 an evil that calls for concerted and vigorous action
7 by countries of origin, transit countries, receiving
8 countries, and international organizations.

9 (14) Existing legislation and law enforcement in
10 the United States and in other nations around the
11 world have proved inadequate to deter trafficking
12 and to bring traffickers to justice, principally be-
13 cause such legislation and enforcement do not reflect
14 the gravity of the offenses involved. No comprehen-
15 sive law exists in the United States that penalizes
16 the range of offenses involved in the trafficking
17 scheme. Instead, even the most brutal instances of
18 forcible sex trafficking are often punished under
19 laws that also apply to far less serious offenses such
20 as consensual sexual activity and illegal immigration,
21 so that traffickers typically escape severe punish-
22 ment.

23 (15) In the United States, the seriousness of
24 the crime of trafficking in persons is not reflected in
25 current sentencing guidelines for component crimes

1 of the trafficking scheme, which results in weak pen-
2 alties for convicted traffickers. Adequate services
3 and facilities do not exist to meet the health care,
4 housing, education, and legal assistance needs for
5 the safe reintegration of domestic trafficking victims.

6 (16) In some countries, enforcement against
7 traffickers is also hindered by official indifference,
8 by corruption, and sometimes even by active official
9 participation in trafficking.

10 (17) Because existing laws and law enforcement
11 procedures often fail to make clear distinctions be-
12 tween victims of trafficking and persons who have
13 knowingly and willfully violated laws, and because
14 victims often do not have legal immigration status in
15 the countries into which they are trafficked, the vic-
16 tims are often punished more harshly than the traf-
17 fickers themselves.

18 (18) Because victims of trafficking are fre-
19 quently unfamiliar with the laws, cultures, and lan-
20 guages of the countries into which they have been
21 trafficked, and because they are often subjected to
22 coercion and intimidation including physical deten-
23 tion, debt bondage, fear of retribution, and fear of
24 forcible removal to countries in which they will face
25 retribution or other hardship, these victims often

1 find it difficult or impossible to report the crimes
2 committed against them or to assist in the investiga-
3 tion and prosecution of such crimes.

4 (19) The United States and the international
5 community are in agreement that trafficking in per-
6 sons often involves grave violations of human rights
7 and is a matter of pressing international concern.
8 The Universal Declaration of Human Rights; the
9 Supplementary Convention on the Abolition of Slav-
10 ery, the Slave Trade, and Institutions and Practices
11 Similar to Slavery; the International Covenant on
12 Civil and Political Rights; the Convention on the
13 Elimination of All Forms of Discrimination Against
14 Women; the Convention Against Torture and Other
15 Cruel, Inhuman or Degrading Treatment or Punish-
16 ment, and other relevant instruments condemn slav-
17 ery and involuntary servitude, violence against
18 women, and other components of the trafficking
19 scheme.

20 (20) The Universal Declaration of Human
21 Rights recognizes the right to be free from slavery
22 and involuntary servitude, arbitrary detention, de-
23 grading or inhuman treatment, and arbitrary inter-
24 ference with privacy or the family, as well as the
25 right to protection by law against these abuses.

1 (21) The United Nations General Assembly has
2 passed three resolutions during the last three years
3 (50/167, 51/66, and 52/98) recognizing that the
4 international traffic in women and girls, particularly
5 for purposes of forced prostitution, is a matter of
6 pressing international concern involving numerous
7 violations of fundamental human rights. The resolu-
8 tions call upon governments of receiving countries as
9 well as countries of origin to strengthen their laws
10 against such practices, to intensify their efforts to
11 enforce such laws, and to ensure the full protection,
12 treatment, and rehabilitation of women and children
13 who are victims of trafficking.

14 (22) The Final Report of the Word Congress
15 against Sexual Exploitation of Children, held in
16 Stockholm, Sweden in August 1996, recognized that
17 international sex trafficking is a principal cause of
18 increased exploitation and degradation of children.

19 (23) The Fourth World Conference of Women
20 (Bejing Conference) called on all governments to
21 take measures, including legislative measures, to
22 provide better protection of the rights of women and
23 girls who are victims of trafficking, to address the
24 root factors that put women and girls at risk to traf-
25 fickers, and to take measures to dismantle the na-

1 tional, regional, and international networks on traf-
2 ficking.

3 (24) In the 1991 Moscow Document of the Or-
4 ganization for Security and Co-operation in Europe,
5 participating states including the United States
6 agreed to “seek to eliminate all forms of violence
7 against women, and all forms of traffic in women
8 and exploitation of prostitution of women including
9 by ensuring adequate legal prohibitions against such
10 acts and other appropriate measures.”

11 (25) Numerous treaties to which the United
12 States is a party address government obligations to
13 combat trafficking, including such treaties as the
14 1956 Supplementary Convention on the Abolition of
15 Slavery, the Slave Trade and Institutions and Prac-
16 tices Similar to Slavery, which calls for the complete
17 abolition of debt bondage and servile forms of mar-
18 riage, and the 1957 Abolition of Forced Labor Con-
19 vention, which undertakes to suppress and requires
20 signatories not to make use of any forced or compul-
21 sory labor.

22 (26) Trafficking in persons is a transnational
23 crime with national implications. In order to deter
24 international trafficking and to bring its perpetra-
25 tors to justice, nations including the United States

1 must recognize that trafficking is a serious offense
2 and must act on this recognition by prescribing ap-
3 propriate punishment, by giving the highest priority
4 to investigation and prosecution of trafficking of-
5 fenses, and by protecting rather than punishing the
6 victims of such offenses. The United States must
7 work bilaterally and multilaterally to abolish the
8 trafficking industry and take steps to promote and
9 facilitate cooperation among countries linked to-
10 gether by international trafficking routes. The
11 United States must also urge the international com-
12 munity to take strong action in multilateral fora to
13 engage recalcitrant countries in serious and sus-
14 tained efforts to eliminate trafficking and protect
15 trafficking victims.

16 **SEC. 3. DEFINITIONS.**

17 For the purposes of this Act:

18 (1) “Sex trafficking” means the purchase, sale,
19 recruitment, harboring, transportation, transfer or
20 receipt of a person for the purpose of a commercial
21 sex act.

22 (2) “Severe forms of trafficking in persons”
23 means—

24 (A) sex trafficking in which either a com-
25 mercial sex act or any act or event contributing

1 to such act is effected or induced by force, coer-
2 cion, fraud, or deception, or in which the person
3 induced to perform such act has not attained
4 the age of 18 years; and

5 (B) the purchase, sale, recruitment, har-
6 boring, transportation, transfer or receipt of a
7 person for the purpose of subjection to involun-
8 tary servitude, peonage, or slavery or slavery-
9 like practices which is effected by force, coer-
10 cion, fraud, or deception.

11 (3) “Slavery-like practices” means inducement
12 of a person to perform labor or other services by
13 force, by coercion, or by any scheme, plan, or pat-
14 tern to cause the person to believe that failure to
15 perform the work will result in the infliction of seri-
16 ous harm, debt bondage in which labor or services
17 are pledged for debt on terms calculated never to
18 allow full payment of the debt or otherwise amount-
19 ing to indentured servitude for life or for an indefi-
20 nite period, or subjection of the person to conditions
21 so harsh or degrading as to provide a clear indica-
22 tion that the person has been subjected to them by
23 force, fraud, or coercion.

24 (4) “Coercion” means the use of force, violence,
25 physical restraint, or acts or circumstances not nec-

1 essarily including physical force but calculated to
2 have the same effect, such as the credible threat of
3 force or of the infliction of serious harm.

4 (5) “Act of a severe form of trafficking in per-
5 sons” means any act at any point in the process of
6 a severe form of trafficking in persons, including any
7 act of recruitment, harboring, transport, transfer,
8 purchase, sale or receipt of a victim of such traf-
9 ficking, or any act of operation, management, or
10 ownership of an enterprise in which a victim of such
11 trafficking engages in a commercial sex act, is sub-
12 jected to slavery or a slavery-like practice, or is ex-
13 pected or induced to engage in such acts or be sub-
14 jected to such condition or practice, or sharing in
15 the profits of the process of a severe form of traf-
16 ficking in persons or any part thereof.

17 (6) “Victim of sex trafficking” and “victim of
18 a severe form of trafficking in persons” mean a per-
19 son subjected to an act or practice described in
20 paragraphs (1) and (2) respectively.

21 (7) “Commercial sex act” means a sex act on
22 account of which anything of value is given to or re-
23 ceived by any person.

1 (8) “Minimum standards for the elimination of
2 trafficking” means the standards set forth in section
3 8.

4 (9) “Appropriate congressional committees”
5 means the Committee on Foreign Relations of the
6 United States Senate and the Committee on Inter-
7 national Relations of the United States House of
8 Representatives.

9 (10) “Nonhumanitarian foreign assistance”
10 means—

11 (A) any assistance under the Foreign As-
12 sistance Act of 1961 (including programs under
13 title IV of chapter 2 of part I of that Act, relat-
14 ing to the Overseas Private Investment Cor-
15 poration), other than—

16 (i) assistance under chapter 8 of part
17 I of that Act;

18 (ii) any other narcotics-related assist-
19 ance under part I of that Act or under
20 chapter 4 or 5 of part II of that Act, but
21 any such assistance provided under this
22 clause shall be subject to the prior notifica-
23 tion procedures applicable to
24 reprogrammings pursuant to section 634A
25 of that Act;

1 (iii) disaster relief assistance, includ-
2 ing any assistance under chapter 9 of part
3 I of that Act;

4 (iv) antiterrorism assistance under
5 chapter 8 of part II of that Act;

6 (v) assistance which involves the pro-
7 vision of food (including monetization of
8 food) or medicine;

9 (vi) assistance for refugees; and

10 (vii) humanitarian and other develop-
11 ment assistance in support of programs of
12 nongovernmental organizations under
13 chapters 1 and 10 of that Act;

14 (B) sales, or financing on any terms, under
15 the Arms Export Control Act, other than sales
16 or financing provided for narcotics-related pur-
17 poses following notification in accordance with
18 the prior notification procedures applicable to
19 reprogrammings pursuant to section 634A of
20 the Foreign Assistance Act of 1961; and

21 (C) financing under the Export-Import
22 Bank Act of 1945.

1 **SEC. 4. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS**
2 **PRACTICES.**

3 The Secretary of State, with the assistance of the As-
4 sistant Secretary of Democracy, Human Rights and
5 Labor, shall, as part of the annual Country Reports on
6 Human Rights Practices, include information to address
7 the status of trafficking in persons, including—

8 (1) a list of foreign countries that are countries
9 of origin, transit, or destination for a significant
10 number of victims of severe forms of trafficking;

11 (2) a description of the nature and extent of se-
12 vere forms of trafficking in persons in each country;

13 (3) an assessment of the efforts by the govern-
14 ments described in paragraph (1) to combat severe
15 forms of trafficking. Such an assessment shall
16 address—

17 (A) whether any governmental authorities
18 tolerate or are involved in such trafficking;

19 (B) which governmental authorities are in-
20 volved in activities to combat such trafficking;

21 (C) what steps the government has taken
22 against its officials who participate in, facili-
23 tate, or condone such trafficking;

24 (D) what steps the government has taken
25 to investigate and prosecute officials who par-
26 ticipate in or facilitate such trafficking;

1 (E) what steps the government has taken
2 to prohibit other individuals from participating
3 in such trafficking, including the investigation,
4 prosecution, and conviction of individuals in-
5 volved in severe forms of trafficking in persons,
6 the criminal and civil penalties for such traf-
7 ficking, and the efficacy of those penalties in
8 eliminating or reducing such trafficking;

9 (F) what steps the government has taken
10 to assist victims of such trafficking, including
11 efforts to prevent victims from being further
12 victimized by traffickers, government officials,
13 or others, grants of stays of deportation, and
14 provision of humanitarian relief, including pro-
15 vision of mental and physical health care and
16 shelter;

17 (G) whether the government—

18 (i) is cooperating with governments of
19 other countries to extradite traffickers
20 when requested;

21 (ii) is assisting in international inves-
22 tigations of transnational trafficking net-
23 works and in other co-operative efforts to
24 combat trafficking;

1 (iii) refrains from prosecuting victims
2 of severe forms of trafficking and from
3 other discriminatory treatment of such vic-
4 tims due to such victims having been traf-
5 ficked, or due to their having left or en-
6 tered the country illegally; and

7 (iv) recognizes the rights of victims
8 and ensures their access to justice.

9 (4) Information described in paragraph (2) and,
10 where appropriate, in paragraph (3) shall be in-
11 cluded in the annual Country Reports on Human
12 Rights Practices on a country-by-country basis.

13 (5) In addition to the information described in
14 this section, the Annual Country Reports on Human
15 Rights Practices may contain such other information
16 relating to trafficking in persons as the Secretary
17 determines to be appropriate.

18 **SEC. 5. INTERAGENCY TASK FORCE TO MONITOR AND COM-**
19 **BAT TRAFFICKING.**

20 (a) ESTABLISHMENT.—The President shall establish
21 an Interagency Task Force to Monitor and Combat Traf-
22 ficking (in this section referred to as the “Task Force”).

23 (b) APPOINTMENT.—The President shall appoint the
24 members of the Task Force, which shall include the Sec-
25 retary of State, the Director of the Agency for Inter-

1 national Development, the Attorney General, the Sec-
2 retary of Labor, the Secretary of Health and Human Serv-
3 ices, the Director of the Central Intelligence Agency, and
4 such other officials as may be designated by the President.

5 (c) CHAIRMAN.—The Task Force shall be chaired by
6 the Secretary of State.

7 (d) SUPPORT FOR THE TASK FORCE.—The Secretary
8 of State is authorized to establish within the Department
9 of State an Office to Monitor and Combat Trafficking,
10 which shall provide assistance to the Task Force. Any
11 such Office shall be administered by a Director. The Di-
12 rector shall have the primary responsibility for assisting
13 the Secretary of State in carrying out the purposes of this
14 Act and may have additional responsibilities as determined
15 by the Secretary. The Director shall consult with domestic,
16 international nongovernmental and intergovernmental or-
17 ganizations, and with trafficking victims or other affected
18 persons. The Director shall have the authority to take evi-
19 dence in public hearings or by other means. The Office
20 is authorized to retain staff members from agencies rep-
21 resented on the Task Force.

22 (e) ACTIVITIES OF THE TASK FORCE.—In consulta-
23 tion with nongovernmental organizations, the Task Force
24 shall carry out the following activities:

25 (1) Coordinate the implementation of this Act.

1 (2) Measure and evaluate progress of the
2 United States and countries around the world in the
3 areas of trafficking prevention, protection and as-
4 sistance to victims of trafficking, and prosecution
5 and enforcement against traffickers, including the
6 role of public corruption in facilitating trafficking.

7 (3) Expand interagency procedures to collect
8 and organize data, including significant research and
9 resource information on domestic and international
10 trafficking. Any data collection procedures estab-
11 lished under this subsection shall respect the con-
12 fidentiality of victims of trafficking.

13 (4) Engage in efforts to facilitate cooperation
14 among countries of origin, transit, and destination.
15 Such efforts shall aim to strengthen local and re-
16 gional capacities to prevent trafficking, prosecute
17 traffickers and assist trafficking victims, and shall
18 include initiatives to enhance cooperative efforts be-
19 tween destination countries and countries of origin
20 and assist in the appropriate reintegration of state-
21 less victims of trafficking.

22 (5) Examine the role of the international “sex
23 tourism” industry in the trafficking of women and
24 children and in the sexual exploitation of women and
25 children around the world and make recommenda-

1 tions on appropriate measures to combat this indus-
2 try.

3 **SEC. 6. PREVENTION OF TRAFFICKING.**

4 (a) ECONOMIC ALTERNATIVES TO PREVENT AND
5 DETER TRAFFICKING.—The President, acting through
6 the Administrator of the United States Agency for Inter-
7 national Development and the heads of other appropriate
8 agencies, shall establish and carry out initiatives to en-
9 hance economic opportunity for potential victims of traf-
10 ficking as a method to deter trafficking. Such initiatives
11 may include—

12 (1) microcredit lending programs, training in
13 business development, skills training, and job coun-
14 seling;

15 (2) programs to promote women’s participation
16 in economic decision making;

17 (3) programs to keep children, especially girls,
18 in elementary and secondary schools;

19 (4) development of educational curricula re-
20 garding the dangers of trafficking; and

21 (5) grants to nongovernmental organizations to
22 accelerate and advance the political, economic, so-
23 cial, and educational roles and capacities of women
24 in their countries.

1 (b) PUBLIC AWARENESS AND INFORMATION.—The
2 President, acting through the Secretary of Labor, the Sec-
3 retary of Health and Human Services, the Attorney Gen-
4 eral, and the Secretary of State, shall establish and carry
5 out programs to increase public awareness, particularly
6 among potential victims of trafficking, of the dangers of
7 trafficking and the protections that are available for vic-
8 tims of trafficking.

9 (c) CONSULTATION REQUIREMENT.—The President
10 shall consult with appropriate nongovernmental organiza-
11 tions with respect to the establishment and conduct of ini-
12 tiatives described in subsection (a).

13 **SEC. 7. PROTECTION AND ASSISTANCE FOR VICTIMS OF**
14 **TRAFFICKING.**

15 (a) ASSISTANCE FOR VICTIMS IN OTHER COUN-
16 TRIES.—

17 (1) IN GENERAL.—The Secretary of State and
18 the Administrator of the United States Agency for
19 International Development, in consultation with ap-
20 propriate nongovernmental organizations, shall es-
21 tablish and carry out programs and initiatives in for-
22 eign countries to assist in the safe integration, re-
23 integration, or resettlement, as appropriate, of vic-
24 tims of trafficking and their children. Such pro-
25 grams and initiatives shall be designed to meet the

1 mental and physical health, housing, legal, and other
2 assistance needs of such victims and their children,
3 as identified by the Inter-Agency Task Force to
4 Monitor and Combat Trafficking established under
5 section 4.

6 (2) ADDITIONAL REQUIREMENT.—In estab-
7 lishing and conducting programs and initiatives de-
8 scribed in paragraph (1), the Secretary of State and
9 the Administrator of the United States Agency for
10 International Development shall take all appropriate
11 steps to enhance cooperative efforts among foreign
12 countries, including countries of origin of victims of
13 trafficking, to assist in the integration, reintegra-
14 tion, or resettlement, as appropriate, of victims of
15 trafficking including stateless victims.

16 (b) VICTIMS IN THE UNITED STATES.—

17 (1) ASSISTANCE.—Subject to the availability of
18 appropriations and notwithstanding title IV of the
19 Personal Responsibility and Work Opportunity Rec-
20 onciliation Act of 1996, the Attorney General, the
21 Secretary of Health and Human Services, the Sec-
22 retary of Labor, and the Board of Directors of the
23 Legal Services Corporation shall expand existing
24 services to provide assistance to victims of severe
25 forms of trafficking in persons within the United

1 States, without regard to the immigration status of
2 such victims.

3 (2) BENEFITS.—Subject to the availability of
4 appropriations and notwithstanding any other provi-
5 sion of law, victims of severe forms of trafficking in
6 persons in the United States shall be eligible, with-
7 out regard to their immigration status, for any bene-
8 fits that are otherwise available under the Crime
9 Victims Fund, established under the Victims of
10 Crime Act of 1984, including victims’ services, com-
11 pensation, and assistance.

12 (3) GRANTS.—

13 (A) Subject to the availability of appro-
14 priations, the Attorney General may make
15 grants to States, territories, and possessions of
16 the United States (including the Common-
17 wealths of Puerto Rico and the Northern Mar-
18 iana Islands), Indian tribes, units of local gov-
19 ernment, and nonprofit, nongovernmental vic-
20 tims’ service organizations to develop, expand,
21 or strengthen victim service programs for vic-
22 tims of trafficking.

23 (B) To receive a grant under this para-
24 graph, an eligible unit of government or organi-
25 zation shall certify that its laws, policies, and

1 practices, as appropriate, do not punish or deny
2 services to victims of severe forms of trafficking
3 in persons on account of the nature of their em-
4 ployment or services performed in connection
5 with such trafficking.

6 (C) Of amounts made available for grants
7 under this paragraph, there shall be set aside 3
8 percent for research, evaluation and statistics; 2
9 percent for training and technical assistance;
10 and 1 percent for management and administra-
11 tion.

12 (D) The Federal share of a grant made
13 under this paragraph may not exceed 75 per-
14 cent of the total costs of the projects described
15 in the application submitted.

16 (4) CIVIL ACTION.—An individual who is a vic-
17 tim of a violation of section 1589 or section 1589A
18 of title 18, United States Code, regarding trafficking
19 may bring a civil action in United States district
20 court. The court may award actual damages, puni-
21 tive damages, reasonable attorneys' fees, and other
22 litigation costs reasonably incurred.

23 (c) TRAFFICKING VICTIM REGULATIONS.—Not later
24 than 180 days after the date of enactment of this Act,
25 the Attorney General and the Secretary of State shall pro-

1 mulgate regulations for law enforcement personnel, immi-
2 gration officials, and Department of State officials to im-
3 plement the following:

4 (1) Victims of severe forms of trafficking, while
5 in the custody of the Federal Government and to the
6 extent practicable, shall be housed in appropriate
7 shelter as quickly as possible; receive prompt medical
8 care, food, and other assistance; and be provided
9 protection if a victim's safety is at risk or if there
10 is danger of additional harm by recapture of the vic-
11 tim by a trafficker.

12 (2) Victims of severe forms of trafficking shall
13 not be jailed, fined, or otherwise penalized due to
14 having been trafficked;

15 (3) Victims of severe forms of trafficking shall
16 have access to legal assistance, information about
17 their rights, and translation services.

18 (4) Federal law enforcement officials shall act
19 to ensure an alien individual's continued presence in
20 the United States, if after an assessment, it is deter-
21 mined that such individual is a victim of trafficking
22 or a material witness, in order to effectuate prosecu-
23 tion of those responsible and to further the humani-
24 tarian interests of the United States, and such offi-
25 cials in investigating and prosecuting traffickers

1 shall take into consideration the safety and integrity
2 of trafficking victims.

3 (5) Appropriate personnel of the Department of
4 State and the Department of Justice are trained in
5 identifying victims of severe forms of trafficking and
6 providing for the protection of such victims. Train-
7 ing under this paragraph should include methods for
8 achieving antitrafficking objectives through the non-
9 discriminatory application of immigration and other
10 related laws.

11 (d) CONSTRUCTION.—Nothing in subsection (c) shall
12 be construed as creating any private cause of action
13 against the United States or its offices or employees.

14 (e) FUNDING.—Funds from asset forfeiture under
15 section 1592 of title 18, United States Code, are author-
16 ized to be available in equal amounts for the purposes of
17 subsections (a) and (b) and shall remain available for obli-
18 gation until expended.

19 (f) PROTECTION FROM REMOVAL FOR CERTAIN VIC-
20 TIMS OF TRAFFICKING.—

21 (1) NONIMMIGRANT CLASSIFICATION FOR CER-
22 TAIN VICTIMS OF TRAFFICKING.—Section 101(a)(15)
23 of the Immigration and Nationality Act (8 U.S.C.
24 1101(a)(15)) is amended—

1 (A) by striking “or” at the end of subpara-
2 graph (R);

3 (B) by striking the period at the end of
4 subparagraph (S) and inserting “; or”; and

5 (C) by adding at the end the following new
6 subparagraph:

7 “(T) an alien who the Attorney General
8 determines—

9 “(i) is physically present in the
10 United States or at a port of entry thereto;

11 “(ii) is or has been a victim of a se-
12 vere form of trafficking in persons as de-
13 fined in section 3 of the Trafficking Vic-
14 tims Protection Act of 1999;

15 “(iii)(I) has not unreasonably refused
16 to assist in the investigation or prosecution
17 of acts of trafficking; or

18 “(II) has not attained the age of 14
19 years; and

20 “(iv) would face a significant possi-
21 bility of retribution or other hardship if re-
22 moved from the United States,

23 and, if the Attorney General considers it to be
24 appropriate, the spouse, married and unmarried
25 sons and daughters, and parents of an alien de-

1 scribed in this subparagraph if accompanying,
2 or following to join, the alien, except that no
3 person shall be eligible for admission to the
4 United States under this subparagraph if there
5 is substantial reason to believe that the person
6 has committed an act of a severe form of traf-
7 ficking in persons as defined in section 3 of the
8 Trafficking Victims Protection Act of 1999.”.

9 (2) WAIVER OF GROUNDS FOR INELIGIBILITY
10 FOR ADMISSION.—Section 212(d) of the Immigra-
11 tion and Nationality Act (8 U.S.C. 1182(d)) is
12 amended by adding at the end the following new
13 paragraph:

14 “(13) The Attorney General shall determine
15 whether a ground for inadmissibility exists with re-
16 spect to a nonimmigrant described in section
17 101(a)(15)(T). The Attorney General, in the Attor-
18 ney General’s discretion, may waive the application
19 of subsection (a) (other than paragraph (3)(E)) in
20 the case of a nonimmigrant described in section
21 101(a)(15)(T), if the Attorney General considers it
22 to be in the national interest to do so. Nothing in
23 this section shall be regarded as prohibiting the Im-
24 migration and Naturalization Service from insti-
25 tuting removal proceedings against an alien admit-

1 ted as a nonimmigrant under section 101(a)(15)(T)
2 for conduct committed after the alien’s admission
3 into the United States, or for conduct or a condition
4 that was not disclosed to the Attorney General prior
5 to the alien’s admission as a nonimmigrant under
6 section 101(a)(15)(T).”.

7 (3) ADJUSTMENT TO PERMANENT RESIDENT
8 STATUS.—Section 245 of the Immigration and Na-
9 tionality Act (8 U.S.C. 1255) is amended by adding
10 at the end the following new subsection:

11 “(1)(1) If, in the opinion of the Attorney General, a
12 nonimmigrant admitted into the United States under sec-
13 tion 101(a)(15)(T)—

14 “(A) has been physically present in the United
15 States for a continuous period of at least 3 years
16 since the date of admission as a nonimmigrant
17 under section 101(a)(15)(T);

18 “(B) has, throughout such period, been a per-
19 son of good moral character;

20 “(C) has not, during such period, unreasonably
21 refused to provide assistance in the investigation or
22 prosecution of acts of trafficking; and

23 “(D) would face a significant possibility of ret-
24 ribution or other hardship if removed from the
25 United States, the Attorney General may adjust the

1 status of the alien (and the spouse, married and un-
2 married sons and daughters, and parents of the
3 alien if admitted under that section) to that of an
4 alien lawfully admitted for permanent residence if
5 the alien is not described in section 212(a)(3)(E).

6 “(2) An alien shall be considered to have failed to
7 maintain continuous physical presence in the United
8 States under paragraph (1)(A) if the alien has departed
9 from the United States for any period in excess of 90 days
10 or for any periods in the aggregate exceeding 180 days.”.

11 **SEC. 8. MINIMUM STANDARDS FOR THE ELIMINATION OF**
12 **TRAFFICKING.**

13 (a) MINIMUM STANDARDS.—Minimum standards for
14 the elimination of trafficking for a country that is a coun-
15 try of origin, of transit, or of destination for a significant
16 number of victims are as follows:

17 (1) The country should prohibit severe forms of
18 trafficking in persons and punish acts of such traf-
19 ficking.

20 (2) For the knowing commission of any act of
21 sex trafficking involving fraud, force, or coercion or
22 in which the victim of sex trafficking is a child in-
23 capable of giving meaningful consent, or of traf-
24 ficking which includes rape or kidnapping or which
25 causes a death, the country should prescribe punish-

1 ment commensurate with that for the most serious
2 crimes, such as forcible sexual assault.

3 (3) For the knowing commission of any act of
4 a severe form of trafficking in persons, the country
5 should prescribe punishment which is sufficiently
6 stringent to deter and which adequately reflects the
7 heinous nature of the offense.

8 (4) The country should make serious and sus-
9 tained efforts to eliminate severe forms of trafficking
10 in persons.

11 (b) CRITERIA.—In determinations under subsection
12 (a)(3) the following factors should be considered:

13 (1) Whether the country vigorously investigates
14 and prosecutes acts of severe forms of trafficking in
15 persons that take place wholly or partly within the
16 territory of the country.

17 (2) Whether the country cooperates with other
18 countries in the investigation and prosecution of se-
19 vere forms of trafficking in persons.

20 (3) Whether the country extradites persons
21 charged with acts of severe forms of trafficking in
22 persons on the same terms and to the same extent
23 as persons charged with other serious crimes.

24 (4) Whether the country monitors immigration
25 and emigration patterns for evidence of severe forms

1 of trafficking in persons and whether law enforce-
2 ment agencies of the country respond to any such
3 evidence in a manner which is consistent with the
4 vigorous investigation and prosecution of acts of
5 such trafficking, as well as with the protection of
6 victims and the internationally recognized human
7 right to travel.

8 (5) Whether the country protects victims of se-
9 vere forms of trafficking in persons and encourages
10 their assistance in the investigation and prosecution
11 of such trafficking, including provision for legal al-
12 ternatives to their removal to countries in which they
13 would face retribution or other hardship.

14 (6) Whether the country vigorously investigates
15 and prosecutes public officials who participate in or
16 facilitate severe forms of trafficking in persons, and
17 takes all appropriate measures against officials who
18 condone such trafficking.

19 **SEC. 9. ASSISTANCE TO FOREIGN COUNTRIES TO MEET**
20 **MINIMUM STANDARDS.**

21 The Secretary of State and the Director of the Agen-
22 cy for International Development are authorized to pro-
23 vide assistance to foreign countries for programs and ac-
24 tivities designed to meet the minimum international stand-
25 ards for the elimination of trafficking, including drafting

1 of legislation to prohibit and punish acts of trafficking,
2 investigation and prosecution of traffickers, and facilities,
3 programs, and activities for the protection of victims.

4 **SEC. 10. ACTIONS AGAINST GOVERNMENTS FAILING TO**
5 **MEET MINIMUM STANDARDS.**

6 (a) STATEMENT OF POLICY.—It is the policy of the
7 United States not to provide nonhumanitarian foreign as-
8 sistance to countries which do not meet minimum stand-
9 ards for the elimination of trafficking.

10 (b) REPORTS TO CONGRESS.—

11 (1) ANNUAL REPORT.—Not later than April 30
12 of each year, the Secretary of State shall submit to
13 the appropriate congressional committees a report
14 with respect to the status of severe forms of traf-
15 ficking in persons which shall include a list of those
16 countries, if any, to which the minimum standards
17 for the elimination of trafficking under section 8 are
18 applicable and which do not meet such standards,
19 and which may include additional information, in-
20 cluding information about efforts to combat traf-
21 ficking and about countries which have taken appro-
22 priate actions to combat trafficking.

23 (2) INTERIM REPORTS.—The Secretary of State
24 may submit to the appropriate congressional com-
25 mittees in addition to the annual report under sub-

1 section (b) one or more interim reports with respect
2 to the status of severe forms of trafficking in per-
3 sons, including information about countries whose
4 governments have come into or out of compliance
5 with the minimum standards for the elimination of
6 trafficking since the transmission of the last annual
7 report.

8 (c) NOTIFICATION.—For fiscal year 2002 and each
9 subsequent fiscal year, for each foreign country to which
10 the minimum standards for the elimination of trafficking
11 are applicable and which has failed to meet such stand-
12 ards, as described in an annual or interim report under
13 subsection (b), not less than 45 days and not more than
14 90 days after the submission of such a report the Presi-
15 dent shall submit a notification to the appropriate con-
16 gressional committees of one of the determinations de-
17 scribed in subsection (d).

18 (d) DETERMINATIONS.—The determinations referred
19 to in subsection (c) are as follows:

20 (1) WITHHOLDING OF NONHUMANITARIAN AS-
21 SISTANCE.—The President has determined that—

22 (A)(i) the United States will not provide
23 nonhumanitarian foreign assistance to the gov-
24 ernment of the country for the subsequent fiscal

1 year until such government complies with the
2 minimum standards; or

3 (ii) in the case of a country whose govern-
4 ment received no nonhumanitarian foreign as-
5 sistance from the United States during the pre-
6 vious fiscal year, the United States will not pro-
7 vide funding for participation by officials or em-
8 ployees of such governments in educational and
9 cultural exchange programs for the subsequent
10 fiscal year until such government complies with
11 the minimum standards; and

12 (B) the President will instruct the United
13 States Executive Director of each multilateral
14 development bank and of the International
15 Monetary Fund to vote against, and to use his
16 or her best efforts to deny, any loan or other
17 utilization of the funds of his or her institution
18 to that country (other than for humanitarian
19 assistance, or for development assistance which
20 directly addresses basic human needs, is not ad-
21 ministered by the government of the sanctioned
22 country, and confers no benefit to that country)
23 for the subsequent fiscal year until such govern-
24 ment complies with the minimum standards.

1 (2) SUBSEQUENT COMPLIANCE.—The Secretary
2 of State has determined that the country has come
3 into compliance with the minimum standards.

4 (3) CONTINUATION OF ASSISTANCE IN THE NA-
5 TIONAL INTEREST.—Notwithstanding the failure of
6 the country to comply with minimum standards for
7 the elimination of trafficking, the President has de-
8 termined that the provision of nonhumanitarian for-
9 eign assistance to the country is in the national in-
10 terest of the United States.

11 (e) CERTIFICATION.—Together with any notification
12 under subsection (c), the President shall provide a certifi-
13 cation by the Secretary of State that with respect to as-
14 sistance described in clause (i), (ii), or (iv) of subpara-
15 graph 3(10)(A) or in subparagraph 3(10)(B), no assist-
16 ance is intended to be received or used by any agency or
17 official who has participated in, facilitated, or condoned
18 a severe form of trafficking in persons.

19 **SEC. 11. ACTIONS AGAINST SIGNIFICANT TRAFFICKERS IN**
20 **PERSONS.**

21 (a) AUTHORITY TO SANCTION SIGNIFICANT TRAF-
22 FICKERS IN PERSONS.—

23 (1) IN GENERAL.—The President may exercise
24 IEEPA authorities (other than authorities relating
25 to importation) without regard to section 202 of the

1 International Emergency Economic Powers Act (50
2 U.S.C. 1705) in the case of any foreign person who
3 is on the list described in subsection (b).

4 (2) PENALTIES.—The penalties set forth in sec-
5 tion 206 of the International Emergency Economic
6 Powers Act (50 U.S.C. 1705) apply to violations of
7 any license, order, or regulation issued under this
8 clause (i).

9 (3) IEEPA AUTHORITIES.—For purposes of
10 clause (i), the term ‘IEEPA authorities’ means the
11 authorities set forth in section 203(a) of the Inter-
12 national Emergency Economic Powers Act (50
13 U.S.C. 1702(a)).

14 (b) LIST OF TRAFFICKERS OF PERSONS.—

15 (1) COMPILING LIST OF TRAFFICKERS IN PER-
16 SONS.—The Secretary of State is authorized to com-
17 pile a list of the following persons:

18 (A) any foreign person that plays a signifi-
19 cant role in a severe form of trafficking in per-
20 sons, directly or indirectly in the United States
21 or any of its territories or possessions;

22 (B) foreign persons who materially assist
23 in, or provide financial or technological support
24 for or to, or providing goods or services in sup-
25 port of, activities of a significant foreign traf-

1 ficker in persons identified pursuant to sub-
2 paragraph (A); and

3 (C) foreign persons that are owned, con-
4 trolled, or directed by, or acting for or on behalf
5 of, a significant foreign trafficker so identified
6 pursuant to subparagraph (A).

7 (2) REVISIONS TO LIST.—The Secretary of
8 State shall make additions or deletions to any list
9 published under paragraph (1) on an ongoing basis
10 based on the latest information available.

11 (3) CONSULTATION.—The Secretary of State
12 shall consult with the following officers in carrying
13 out paragraphs (1) and (2).

14 (A) the Attorney General;

15 (B) the Director of Central Intelligence;

16 (C) the Director of the Federal Bureau of
17 Investigation;

18 (D) the Secretary of Labor; and

19 (E) the Secretary of Health and Human
20 Services.

21 (4) PUBLICATION OF LIST.—Upon compiling
22 the list referred to in paragraph (1) and within 30
23 days of any revisions to such list, the Secretary of
24 State shall submit the list or revisions to such list
25 to the Committees on the International Relations

1 and Judiciary and the Permanent Select Committee
 2 on Intelligence of the House of Representatives; and
 3 to the Committees on the Foreign Relations and the
 4 Select Committee on Intelligence of the Senate; and
 5 publish the list or revisions to such list in the Fed-
 6 eral Register.

7 (c) REPORT TO CONGRESS ON IDENTIFICATION AND
 8 SANCTIONING OF SIGNIFICANT TRAFFICKERS IN PER-
 9 SONS.—Upon exercising the authority of subsection (a),
 10 the President shall report to the Committees on the Inter-
 11 national Relations and Judiciary and the Permanent Se-
 12 lect Committee on Intelligence of the House of Represent-
 13 atives; and to the Committees on the Foreign Relations
 14 and the Select Committee on Intelligence of the Senate—

15 (1) identifying publicly the foreign persons that
 16 the President determines are appropriate for sanc-
 17 tions pursuant to this section; and

18 (2) detailing publicly the sanctions imposed
 19 pursuant to this section.

20 (d) EXCLUSION OF CERTAIN INFORMATION.—

21 (1) INTELLIGENCE.—Notwithstanding any
 22 other provision of this section, the list and report de-
 23 scribed in subsections (b) and (c) shall not disclose
 24 the identity of any person, if the Director of Central
 25 Intelligence determines that such disclosure could

1 compromise an intelligence operation, activity,
2 source, or method of the United States.

3 (2) LAW ENFORCEMENT.—Notwithstanding any
4 other provision of this section, the list and report de-
5 scribed in subsections (b) and (c) shall not disclose
6 the name of any person if the Attorney General, in
7 coordination as appropriate with the Director of the
8 Federal Bureau of Investigation, the Administrator
9 of the Drug Enforcement Administration, and the
10 Secretary of the Treasury, determines that such dis-
11 closure could reasonably be expected to—

12 (A) compromise the identity of a confiden-
13 tial source, including a State, local, or foreign
14 agency or authority or any private institution
15 that furnished information on a confidential
16 basis;

17 (B) jeopardize the integrity or success of
18 an ongoing criminal investigation or prosecu-
19 tion;

20 (C) endanger the life or physical safety of
21 any person; or

22 (D) cause substantial harm to physical
23 property.

24 (3) NOTIFICATION REQUIRED.—(A) Whenever
25 either the Director of Central Intelligence or the At-

1 torney General makes a determination under this
2 subsection, the Director of Central Intelligence or
3 the Attorney General shall notify the Permanent Se-
4 lect Committee on Intelligence of the House of Rep-
5 resentatives and the Select Committee on Intel-
6 ligence of the Senate, and explain the reasons for
7 such determination.

8 (B) The notification required under this para-
9 graph shall be submitted to the Permanent Select
10 Committee on Intelligence of the House of Rep-
11 resentatives and the Select Committee on Intel-
12 ligence of the Senate not later than July 1, 2000,
13 and on an annual basis thereafter.

14 (e) LAW ENFORCEMENT AND INTELLIGENCE ACTIVI-
15 TIES NOT AFFECTED.—Nothing in this section prohibits
16 or otherwise limits the authorized law enforcement or in-
17 telligence activities of the United States, or the law en-
18 forcement activities of any State or subdivision thereof.

19 (f) EXCLUSION OF PERSONS WHO HAVE BENEFITED
20 FROM ILLICIT ACTIVITIES OF TRAFFICKERS IN PER-
21 SONS.—Section 212(a)(2) of the Immigration and Nation-
22 ality Act (8 U.S.C. 1182(a)(2)) is amended by inserting
23 the following new subparagraph at the end:

24 “(H) SIGNIFICANT TRAFFICKERS IN PER-
25 SONS.—Any alien who—

1 “(i) is on the most recent list of sig-
2 nificant traffickers provided in section 10
3 of the Trafficking Victims Protection Act
4 of 1999, or who the consular officer or the
5 Attorney General knows or has reason to
6 believe is or has been a knowing aider,
7 abettor, assister, conspirator, or colluder
8 with such a trafficker in severe forms of
9 trafficking in persons as defined in the sec-
10 tion 3 of such Act; or

11 “(ii) who the consular officer or the
12 Attorney General knows or has reason to
13 believe is the spouse, son, or daughter of
14 an alien inadmissible under clause (i), has,
15 within the previous 5 years, obtained any
16 financial or other benefit from the illicit
17 activity of that alien, and knew or reason-
18 ably should have known that the financial
19 or other benefit was the product of such il-
20 licit activity, is inadmissible.”.

21 (g) IMPLEMENTATION.—The Secretary of State, the
22 Attorney General, and the Secretary of Treasury are au-
23 thorized to take such actions as may be necessary to carry
24 out this section, including promulgating rules and regula-
25 tions permitted under this Act.

1 (h) DEFINITION OF FOREIGN PERSONS.—As used in
2 this section, the term “foreign person” means any citizen
3 or national of a foreign state or any entity not organized
4 under the laws of the United States, including a foreign
5 government official, but does not include a foreign state.

6 **SEC. 12. STRENGTHENING PROSECUTION AND PUNISH-**
7 **MENT OF TRAFFICKERS.**

8 (a) TITLE 18 AMENDMENTS.—Chapter 77 of title 18,
9 United States Code, is amended—

10 (1) in each of sections 1581(a), 1583, and
11 1584—

12 (A) by striking “10 years” and inserting
13 “20 years”;

14 (B) by adding at the end the following:

15 “If, in addition to the foregoing elements, death
16 results from a violation of this section, or if
17 such violation includes kidnapping or an at-
18 tempt to kidnap, aggravated sexual abuse or
19 the attempt to commit aggravated sexual abuse,
20 or an attempt to kill, the defendant shall be
21 fined under this title or imprisoned for any
22 term of years or life, or both.”;

23 (2) by inserting at the end the following:

1 **“§ 1589. Trafficking into involuntary servitude, peon-**
2 **age, or slavery-like conditions**

3 “(a) Whoever recruits, harbors, provides, transports,
4 employs, purchases, sells, or secures, by any means, any
5 person, knowing or having reason to know that the person
6 is or will be subjected to involuntary servitude or peonage
7 or to slavery-like conditions as described in subsection (b)
8 of this section, or in any way, financially or otherwise,
9 knowingly benefits from, or makes use of, the labor or
10 services of a person subjected to a condition of involuntary
11 servitude or peonage, shall be fined under this title or im-
12 prisoned not more than 20 years, or both; and if, in addi-
13 tion to the foregoing elements, death results from an act
14 committed in violation of this section, or if such act in-
15 cludes kidnapping or an attempt to kidnap, aggravated
16 sexual abuse or the attempt to commit aggravated sexual
17 abuse, or an attempt to kill, shall be fined under this title
18 or imprisoned for any term of years or life, or both.

19 “(b) As used in this section, the term ‘slavery-like
20 conditions’ means that the labor or services of a person
21 are obtained or maintained through any scheme or artifice
22 to defraud, or by means of any plan or pattern, including
23 but not limited to false and fraudulent pretense and mis-
24 representations, such that the person reasonably believes
25 that if he did not perform the labor or services serious
26 harm would be inflicted on himself or on another person.

1 “(c) This section does not apply to labor performed
2 as a punishment for a crime whereof the party shall have
3 been duly convicted.

4 **“§ 1589A. Sex trafficking of children or by force,**
5 **fraud, or coercion**

6 “(a) IN GENERAL.—Whoever—

7 “(1) recruits, entices, harbors, purchases, sells,
8 transports, or transfers a person, or

9 “(2) owns, manages, operates, or shares in the
10 proceeds of an enterprise in which a person has been
11 recruited, enticed, harbored, purchased, sold, trans-
12 ported, or transferred,
13 knowing or having reason to know that the person
14 will be caused by force, fraud, or coercion to engage
15 in a commercial sex act, or that the person has not
16 attained the age of 18 years and will be caused or
17 expected to engage in a commercial sexual act, shall
18 be punished as provided in subsection (b).

19 “(b) PUNISHMENT.—The punishment for an offense
20 under subsection (a) is—

21 “(1) if the offense was effected by fraud, force,
22 or coercion, or if the person transported had not at-
23 tained the age of 14 years at the time of such of-
24 fense, by a fine under this title or imprisonment for
25 any term of years or for life, or both; or

1 “(2) if the offense was not effected by fraud,
2 force, or coercion, and the person transported had
3 attained the age of 14 years but had not attained
4 the age of 18 years at the time of such offense, by
5 a fine under this title or imprisonment for not more
6 than 20 years, or both.

7 “(c) DEFINITION OF COMMERCIAL SEXUAL ACT.—
8 In this section, the term ‘commercial sexual act’ means
9 any sexual act, on account of which anything of value is
10 given to or received by any person, and—

11 “(1) which takes place in the United States;

12 “(2) which affects United States foreign com-
13 merce; or

14 “(3) in which either the person caused or ex-
15 pected to participate in the act or the person com-
16 mitting the violation is a United States citizen or an
17 alien admitted for permanent residence in the
18 United States.”

19 **§ 1590. Unlawful possession of documents in further-**
20 **ance of trafficking, involuntary servitude,**
21 **or peonage**

22 “(a) Whoever destroys, conceals, removes, con-
23 fiscates, or possesses any identification, passport, or other
24 immigration documents, or any other documentation of
25 another person—

1 “(1) in the course of, or under circumstances
2 which facilitate a violation of section 1581, 1583,
3 1584, 1589, or 1589A or a conspiracy or attempt to
4 commit such a violation; or

5 “(2) to conceal or impair the investigation or
6 prosecution of a violation of any section described in
7 paragraph (1); or

8 “(3) to prevent or restrict, without lawful au-
9 thority, the person’s liberty to move or travel in
10 interstate or foreign commerce,
11 shall be fined under this title or imprisoned for not
12 more than 5 years, or both.

13 **“§ 1591. Mandatory restitution**

14 “(a) Notwithstanding sections 3663 or 3663A, and
15 in addition to any other civil or criminal penalties author-
16 ized by law, the court shall order restitution for any of-
17 fense under this chapter.

18 “(b)(1) The order of restitution under this section
19 shall direct the defendant to pay the victim (through the
20 appropriate court mechanism) the full amount of the vic-
21 tims losses, as determined by the court under paragraph
22 (3) of this subsection.

23 “(2) An order of restitution under this section shall
24 be issued and enforced in accordance with section 3664
25 in the same manner as an order under section 3663A.

1 “(3) As used in this subsection, the term ‘full amount
2 of the victim’s losses’ has the same meaning as provide
3 in section 2259(b)(3) and shall in addition include the
4 greater of the gross income or value to the defendant of
5 the victim’s services or labor or the value of the victim’s
6 labor as guaranteed under the minimum wage and over-
7 time guarantees of the Fair Labor Standards Act (29
8 U.S.C. 201, et seq.).

9 “(c) As used in this section, the term ‘victim’ means
10 the individual harmed as a result of a crime under this
11 chapter, including, in the case of a victim who is under
12 18 years of age, incompetent, incapacitated, or deceased,
13 the legal guardian of the victim or a representative of the
14 victim’s estate, or another family member, or any other
15 person appointed as suitable by the court, but in no event
16 shall the defendant be named such representative or
17 guardian.

18 **“§ 1592. General provisions**

19 “(a) In a prosecution under sections 1581, 1583,
20 1584, or 1589, a condition of involuntary servitude or pe-
21 onage may be established by proof that the defendant ob-
22 tained or maintained the labor or service of any person—

23 “(1) by the use, or threatened use, of force, vio-
24 lence, physical restraint, or physical injury, or by ex-

1 tortion or the abuse of threatened abuse of law or
2 the legal process;

3 “(2) through representations made to any per-
4 son that physical harm may occur to that person, or
5 to another, in an effort to wrongfully obtain or
6 maintain the labor or services of that person; or

7 “(3) by the use of fraud, deceit, or misrepresen-
8 tation toward any person in an effort to wrongfully
9 obtain or maintain the labor or services of that per-
10 son, where the person is a minor, one who is men-
11 tally disabled, or one who is otherwise particularly
12 susceptible to coercion.

13 “(b) An attempt or conspiracy to violate sections
14 1581, 1583, 1584, 1589, or 1589A shall be punishable
15 in the same manner as a completed violation of each of
16 these sections, respectively.

17 “(c)(1) The court, in imposing sentence on any per-
18 son convicted of a violation of this chapter, shall order,
19 in addition to any other sentence imposed and irrespective
20 of any provision of State law, that such person shall forfeit
21 to the United States—

22 “(A) such person’s interest in any property,
23 real or personal, that was used or intended to be
24 used to commit or to facilitate the commission of
25 such violation; and

1 “(B) any property, real or personal, consti-
2 tuting or derived from, any proceeds that such per-
3 son obtained, directly or indirectly, as a result of
4 such violation.

5 “(2) The criminal forfeiture of property under this
6 subsection, any seizure and disposition thereof, and any
7 administrative or judicial proceeding in relation thereto,
8 shall be governed by the provisions of section 413 of the
9 Comprehensive Drug Abuse Prevention and Control Act
10 of 1970 (21 U.S.C. 853), except subsection (d) of that
11 section.

12 “(d)(1) The following shall be subject to forfeiture
13 to the United States and no property right shall exist in
14 them—

15 “(A) any property, real or personal, used or in-
16 tended to be used to commit or to facilitate the com-
17 mission of any violation of this chapter; and

18 “(B) any property, real or personal, which con-
19 stitutes or is derived from proceeds traceable to any
20 violation of this chapter.

21 “(2) The provisions of chapter 46 of this title relating
22 to civil forfeitures shall extend to any seizure or civil for-
23 feiture under this subsection.

24 “(f) WITNESS PROTECTION.—Any violation of this
25 chapter shall be considered an organized criminal activity

1 or other serious offense for the purposes of application of
 2 chapter 224 (relating to witness protection).”; and

3 (3) by amending the table of sections at the be-
 4 ginning of chapter 77 by adding at the end the fol-
 5 lowing new items:

“1589. Trafficking into involuntary servitude, peonage, or slavery-like condi-
 tions.

“1589A. Sex trafficking of children or by force, fraud, or coercion.

“1590. Unlawful possession of documents in furtherance of trafficking involun-
 tary servitude, or peonage.

“1591. Mandatory restitution.

“1592. General provisions.”.

6 (b) AMENDMENT TO THE SENTENCING GUIDE-
 7 LINES.—

8 (1) Pursuant to its authority under section 994
 9 of title 28, United States Code, and in accordance
 10 with this section, the United States Sentencing Com-
 11 mission shall review and, if appropriate, amend the
 12 sentencing guidelines and policy statements applica-
 13 ble to persons convicted of offenses involving the
 14 trafficking of persons including component or related
 15 crimes of peonage, involuntary servitude, slave trade
 16 offenses, and possession, transfer or sale of false im-
 17 migration documents in furtherance of trafficking,
 18 and the Fair Labor Standards Act and the Migrant
 19 and Seasonal Agricultural Worker Protection Act.

20 (2) In carrying out this subsection, the Sen-
 21 tencing Commission shall—

1 (A) take all appropriate measures to en-
2 sure that these sentencing guidelines and policy
3 statements applicable to the offenses described
4 in paragraph (1) of this subsection are suffi-
5 ciently stringent to deter and adequately reflect
6 the heinous nature of such offenses;

7 (B) consider conforming the sentencing
8 guidelines applicable to offenses involving traf-
9 ficking in persons to the guidelines applicable to
10 peonage, involuntary servitude, and slave trade
11 offenses; and

12 (C) consider providing sentencing enhance-
13 ments for those convicted of the offenses de-
14 scribed in paragraph (1) of this subsection
15 that—

16 (i) involve a large number of victims;

17 (ii) involve a pattern of continued and
18 flagrant violations;

19 (iii) involve the use or threatened use
20 of a dangerous weapon; or

21 (iv) result in the death or bodily in-
22 jury of any person.

23 (3) The Commission may promulgate the guide-
24 lines or amendments under this subsection in ac-
25 cordance with the procedures set forth in section

1 21(a) of the Sentencing Act of 1987, as though the
2 authority under that Act had not expired.

3 (c) RACKETEERING.—Section 1961(1) of title 18,
4 United States Code, is amended by inserting “section
5 1589 (relating to trafficking into involuntary servitude,
6 peonage, or slavery-like conditions), section 1589A (relat-
7 ing to sex trafficking of children or by force, fraud, or
8 coercion),” after “murder-for-hire),”.

9 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

10 (a) AUTHORIZATION OF APPROPRIATIONS FOR THE
11 INTERAGENCY TASK FORCE.—To carry out the purposes
12 of section 5, there are authorized to be appropriated to
13 the Secretary of State \$1,500,000 for fiscal year 2000 and
14 \$3,000,000 for fiscal year 2001.

15 (b) AUTHORIZATION OF APPROPRIATIONS TO THE
16 SECRETARY OF HEALTH AND HUMAN SERVICES.—To
17 carry out the purposes of section 7(b) there are authorized
18 to be appropriated to the Secretary of Health and Human
19 Services \$5,000,000 for fiscal year 2000 and \$10,000,000
20 for fiscal year 2001.

21 (c) AUTHORIZATION OF APPROPRIATIONS TO THE
22 SECRETARY OF STATE.—To carry out the purposes of sec-
23 tion 7(a) there are authorized to be appropriated to the
24 Secretary of State \$5,000,000 for fiscal year 2000 and
25 \$10,000,000 for fiscal year 2001.

1 (d) AUTHORIZATION OF APPROPRIATIONS TO ATTOR-
2 NEY GENERAL.—To carry out the purposes of section 7(b)
3 there are authorized to be appropriated to the Attorney
4 General \$5,000,000 for fiscal year 2000 and \$10,000,000
5 for fiscal year 2001.

6 (e) AUTHORIZATION OF APPROPRIATIONS TO PRESI-
7 DENT.—

8 (1) FOREIGN VICTIM ASSISTANCE.—To carry
9 out the purposes of section 6 there are authorized to
10 be appropriated to the President \$5,000,000 for fis-
11 cal year 2000 and \$10,000,000 for fiscal year 2001.

12 (2) ASSISTANCE TO FOREIGN COUNTRIES TO
13 MEET MINIMUM STANDARDS.—To carry out the pur-
14 poses of section 9 there are authorized to be appro-
15 priated to the President \$5,000,000 for fiscal year
16 2000 and \$10,000,000 for fiscal year 2001.

17 (f) AUTHORIZATION OF APPROPRIATIONS TO THE
18 SECRETARY OF LABOR.—To carry out the purposes of
19 section 7(b) there are authorized to be appropriated to the
20 Secretary of Labor \$5,000,000 for fiscal year 2000 and
21 \$10,000,000 for fiscal year 2001.

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